

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAUI JIM, INC., an Illinois Corporation)	
)	Case No. 1:16-cv-09788
Plaintiff,)	
)	District Judge Marvin E. Aspen
v.)	Magistrate Judge Jeffrey T. Gilbert
)	
SMARTBUY GURU ENTERPRISES, a)	
Cayman Island Company, MOTION)	DEFENDANTS' MOTION TO EXCLUDE
GLOBAL LTD., a Hong Kong Company,)	SURVEY AND TESTIMONY OF BRIAN M.
SMARTBUYGLASSES SOCIETÀ A)	SOWERS
RESPONSABILITÀ LIMITATA, an)	
Italian Company, SMARTBUYGLASSES)	
OPTICAL LIMITED, a Hong Kong)	
company,)	
)	
Defendants.)	

Defendants SmartBuy Guru Enterprises, Motion Global Ltd., SmartBuyGlasses Società a Responsabilità Limitata, and SmartBuyGlasses Optical Limited (collectively “SmartBuyGlasses”) hereby move (the “Motion”) pursuant to Rules 702 and 403 of the Federal Rules of Evidence, to exclude the survey and testimony of Brian M. Sowers, Plaintiff Maui Jim, Inc.’s purported expert. In support of the Motion, SmartBuyGlasses submits the accompanying Memorandum in Support of its Motion to Exclude Survey and Testimony of Brian M. Sowers, filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, SmartBuyGlasses respectfully requests that this Court:

- A. grant this Motion in its entirety;
- B. exclude Mr. Sowers’ survey and any related testimony; and
- C. award SmartBuyGlasses such other and further relief as is appropriate.

Dated: August 2, 2019

Respectfully submitted,

SMARTBUY GURU ENTERPRISES, MOTION
GLOBAL LTD., SMARTBUYGLASSES
SOCIETÀ A RESPONSABILITÀ LIMITATA,
SMARTBUYGLASSES OPTICAL LIMITED

By: /s/ Stephen J. Rosenfeld
One of their attorneys

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CERTIFICATE OF SERVICE

This is to certify that on August 2, 2019, Stephen J. Rosenfeld, an attorney, caused to be served a true and correct copy of the foregoing document via electronic mail on all counsel of record who have consented to electronic service.

/s/ Stephen J. Rosenfeld